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Attorney for Defendant
ROBERT KIRBY WELLS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT KIRBY WELLS,

Defendant.

Case No. 2:21-cr-0164-WBS

**STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

**DATE: January 30, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb**

Defendant, ROBERT KIRBY WELLS, by and through his
undersigned counsel, and Plaintiff United States of America, by
and through its undersigned counsel, hereby stipulate as follows:

1. By previous order, this matter was set for status on
January 30, 2023, and time was excluded through January 30, 2023,
pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code T4).

2. By this stipulation, the parties jointly request that
the Court continue the status conference to March 13, 2023, at
9:00 a.m. The parties further request that the Court exclude
time under the Speedy Trial Act from January 30, 2023, through
March 13, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv)

1 (Local Code T4).

2 3. The parties stipulate, and request the Court find the
3 following:

4 a) Defense counsel has received 131,749 pages of
5 discovery that include, among other things, investigative
6 reports, financial records, and other business records, as well
7 as the contents of two email accounts. Counsel for the defendant
8 would like time to review the evidence, discuss resolution
9 options, research sentencing issues, conduct independent factual
10 investigations, and otherwise prepare for trial.

11 b) Counsel for defendant, ROBERT KIRBY WELLS,
12 believes that failure to grant the above-requested continuance
13 would deny counsel the reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence.

15 c) The government does not object to the continuance.

16 d) Based on the above stated findings, the ends of
17 justice served by continuing the case outweigh the interest of
18 the public and the defendant in a trial within the original date
19 prescribed by the Speedy Trial Act.

20 e) For the purpose of computing time under the Speedy
21 Trial Act, 18 U.S.C. § 3161, et. seq., within which trial must
22 commence, the time period of January 30, 2023, up to and
23 including, March 13, 2023, is deemed excludable under 18 U.S.C. §
24 3161(h)(7)(A), (B)(iv) (Local Code T4), as it results from a
25 continuance granted by the Court at the defendant's request on
26 the basis of the Court's finding that the ends of justice served
27 by taking such action outweigh the best interest of the public
28 and defendant in a speedy trial.

1 IT IS SO STIPULATED.

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3 DATED: January 25, 2023

Respectfully submitted,

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6 /s/ William J. Portanova
WILLIAM J. PORTANOVA

7 Attorney for Defendant
8 ROBERT KIRBY WELLS

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10 DATED: January 25, 2023

PHILLIP A. TALBERT
United States Attorney


11
12 /s/ Matthew Thuesen

13 MATTHEW THUESEN
14 Assistant United States Attorney

15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED.

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18 Dated: January 25, 2023


19 WILLIAM B. SHUBB
20 UNITED STATES DISTRICT JUDGE
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